

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL MIATA,

Plaintiff,

-against-

CYNTHANIA BRANN, PATSY YANG, and  
MARGRET EGAN,

Defendants.

**ORDER**

20 Civ. 9486 (PGG) (SDA)

PAUL G. GARDEPHE, U.S.D.J.:

This is a pro se action brought under Section 1983 in which Plaintiff Miata – then held in the Vernon C. Bain Center in the Bronx, New York – alleges that prison authorities were not taking adequate measures to protect him from contracting the COVID-19 virus. (See Jan. 8, 2021 Order (Dkt. No. 9) at 1; see also Cmplt. (Dkt. No. 2); Am. Cmplt. (Dkt. No. 6))

In a January 8, 2021 Order, this Court informed Plaintiff that the amended complaint “does not contain sufficient facts to state a claim,” because Plaintiff “does not specify how the defendants specifically violated any of the plaintiff’s constitutional rights.” (Jan. 8, 2021 Order (Dkt. No. 9) at 2, 5) The Court directed Plaintiff to file a second amended complaint, and gave detailed instructions as to the factual allegations necessary to state a Section 1983 claim. (Id. at 5-7)

The January 8, 2021 Order directs Miata to

submit the second amended complaint to this Court’s Pro Se Intake Unit within sixty days of the date of this order, caption the document as a[] “Second Amended Complaint,” and label the document with docket number 1:20-CV-9486 (PGG). A Second Amended Civil Rights Complaint form is attached to this order. No summons will issue at this time. If Plaintiff Miata fails to comply within the time allowed, and cannot show good cause to excuse such failure, the Court will

dismiss this action for failure to state a claim upon which relief may be granted.  
See 28 U.S.C. § 1915(e)(2)(B)(ii).

(Id. at 7) The deadline for Plaintiff's submission of the proposed second amended complaint to the Pro Se Intake Unit was March 9, 2021.

Miata has not submitted a second amended complaint, nor has he responded in any fashion to the January 8, 2021 Order. Accordingly, this case is dismissed without prejudice.  
See Fed. R. Civ. P. 41(b). The Clerk of Court is directed to close this case.

Chambers will mail a copy of this order to Miata.

Dated: New York, New York  
July 20, 2021

SO ORDERED.

  
\_\_\_\_\_  
Paul G. Gardephe  
United States District Judge